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Monthly report of the Secretary-General on Darfur

I. Introduction

1. The present report is submitted pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004), paragraph 15 of resolution 1564 (2004), paragraph 17 of resolution 1574 (2004) and paragraph 12 of resolution 1590 (2005).

II. Insecurity in Darfur

2. The security problems witnessed during the previous reporting period escalated in January, with banditry, armed clashes and tensions along the border with Chad contributing to a dangerous and volatile situation in Darfur.

3. The situation in Western Darfur in particular has worsened. The presence of Chadian rebel groups or army deserters was reported as far as 250 kilometres inside Sudanese territory, and the build-up of forces on both sides of the border continued. On 12 January, Chadian opposition forces launched an attack on Ade and Modeina in Chad from Sudanese territory.

4. In Jebel Marra, Western Darfur, about 160 fighters from the Sudan Liberation Army (SLA) attacked the Sudanese Armed Forces in Golo on 23 January, and fighting continued for several days. During the fighting, a convoy relocating non-governmental organization (NGO) staff under the protection of the African Union Mission in the Sudan (AMIS) was shot at.

5. On 23 January a police unit escorting 80 commercial trucks from Al Fasher proceeding east to Kabkabiya was ambushed by SLA fighters. Twenty police officers were killed, including the police convoy commander, and 16 others were injured. On 25 January a United Nations helicopter evacuating NGO staff from the same area crashed in the village of Daya, with 16 people on board. One of the passengers, a national staff member of the NGO GOAL, died in the crash, the circumstances of which are under investigation. Preliminary reports indicate that the incident was caused by mechanical failure. The other passengers escaped with minor injuries.

6. Attacks on humanitarian workers continued in Western Darfur. A convoy of an international NGO was robbed at Habila Kanari south-east of Geneina, and there was an armed robbery at a United Nations guest house in Geneina. In response, the United Nations raised the security phase from 3 to 4. In order to significantly reduce

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staff exposure, it restricted the movements of humanitarian workers to Geneina town and reduced staff levels in the region to facilitate rapid relocation should the situation deteriorate further.

7. In Southern Darfur, fighting erupted in Shaeria between SLA and Government forces on 25 January, forcing the evacuation of seven United Nations staff members to Nyala. There were also reports of increasing tension in the Gereida area between SLA and local farmers.

8. Humanitarian and commercial convoys in Southern Darfur were also subjected to banditry. In Northern Darfur, a United Nations staff member was detained and questioned by security personnel after returning from a security meeting with SLA.

9. Following the 12 January decision of the African Union Peace and Security Council to support, in principle, a transition from AMIS to a United Nations operation, demonstrations organized by State authorities against the United Nations were held in various parts of Darfur. For the most part, the demonstrations were peaceful and contained, with the exception of the one in Nyala, where youths threw rocks at United Nations and international NGO vehicles. Police responded swiftly to contain the situation.

III. Human rights and protection

10. In the face of continuing attacks by militias, the police have not provided protection to civilian populations. Public order in Geneina was seriously affected by the December attack of armed militia on Abu Sorouj, Western Darfur, in which 19 civilians were killed. A retaliatory cycle of violence ensued between police and local residents. Police resorted to an excessive use of force, in one instance resulting in the death of a secondary school student. According to the authorities, the police officers who opened fire indiscriminately are currently in custody. The incident highlights the crucial need for police to receive training in crowd control methods so they can resolve public order issues peacefully.

11. Civilians living close to rebel territory and who share the same ethnicity as the rebels are particularly vulnerable to human rights violations by the Sudanese Armed Forces. A preliminary joint assessment, carried out by the Office for the Coordination of Humanitarian Affairs and the United Nations Mission in the Sudan (UNMIS) from 7 to 10 January in Golo, Eastern Jebel Marra (Western Darfur), identified human rights violations by the Sudanese Armed Forces, including arbitrary arrests and detentions, intimidation of the civilian population and limitations on freedom of movement.

12. Emergency powers in Darfur must not be used to justify abuses of fundamental human rights. I have previously expressed concern about the use of arbitrary detention and torture by members of National Security and Military Intelligence against alleged political detainees. As the interim national constitution recognizes, such actions can never be justified, even in times of emergency. Emergency laws are also being used to restrict other human rights in Darfur, including freedom of expression, association and assembly.

13. On 7 January the Foreign Minister and my Special Representative, Jan Pronk, co-chaired the first meeting of the Joint Implementation Mechanism since the formation of the Government of National Unity. It was decided to create a technical

working group to discuss the extension of the moratorium, to reactivate the Joint Ceasefire Commission mechanism, to review the final report of the Sub-Joint Implementation Mechanism's mission to Western Darfur, to send a high-level mission itself to Darfur in February and to meet on a more regular basis. In addition, my Special Representative requested that the decision to grant UNMIS access to all detention facilities in the Sudan be put in writing to allow monitors to demonstrate their access rights when faced with obstruction. I urge the Government of National Unity to accede to this request with a view to ensuring more effective and transparent monitoring of places of detention.

14. As I reported last month, under the auspices of the Sub-Joint Implementation Mechanism on human rights and protection, a joint mission by the Government, UNMIS and representatives of the international community visited Western Darfur on 18 December. Following the mission, some positive developments were noted, including the deployment of a new police leadership in the Mornei area, which may reinvigorate the fight against impunity. For example, there has been some progress in ensuring that a police officer accused of raping a child in the Mornei internally displaced persons camp is brought to trial.

15. The deterioration in the security situation in Western Darfur has affected the overall protection situation there, with new forced displacements taking place almost daily. Some of the forced displacements are due to inter-tribal conflict, including in the Zalinjei area, where thousands were forced out of their homes in late December and early January. Others are due to fighting between SLA on the one hand and the Sudanese Armed Forces and militia forces on the other, such as in the Jebel Marra area, where about 20,000 people have recently been displaced.

16. The attitude of high-level state authorities towards sexual and gender-based violence appears to have shifted, with the Governors of the three Darfur states acknowledging the existence of the problem. However, there is still no evidence that systematic measures are being taken on the ground, including legal proceedings against suspected perpetrators. Children remain targets of sexual violence. In particular, UNMIS was following up on five separate cases in Northern and Western Darfur between late November 2005 and January 2006, in which strong evidence has emerged that children under 15 years of age were raped.

IV. Humanitarian situation

17. Humanitarian efforts in Darfur are being conducted in the environment of violence and uncertainty described above. There have been armed hijackings of commercial and humanitarian trucks, including clearly marked vehicles of the World Food Programme. The deterioration in the security situation last December required the introduction of additional precautions by the United Nations in large parts of Western Darfur. As a result, only those United Nations aid workers responsible for urgent, life-saving needs (emergency food and nutrition; health; water and sanitation; shelter; and protection and human rights monitoring) remain in the restricted areas. They continue to provide vital humanitarian assistance to conflict-affected civilian populations. However, as a result of deteriorating security, there is no longer humanitarian access to some 30,000 people who are dependent on humanitarian assistance in the areas around Seleia and Kulbus north of Geneina. In those areas, threats from renegade forces have even grounded humanitarian

helicopter flights. Moreover, the homes and workplaces of humanitarian workers have increasingly become the targets of robberies — many violent in nature.

18. In contrast to Western Darfur, where access is limited, the situation in Northern Darfur, where aid workers have very good access throughout the state, is relatively positive. At the same time, in Northern and Western Darfur the recent use by the Government of a white helicopter identical to those operated by AMIS and the United Nations, with actual AMIS markings on at least one occasion, is placing the lives of aid workers and protection forces at risk. I strongly urge the Government to avoid the use of any vehicle or aircraft markings that might blur the line between humanitarian and military operations.

19. Aid workers in Darfur are also constrained by frequent administrative delays and red tape related to visa extensions, identity documents, travel permits and related matters. In January a number of humanitarian agencies in Darfur were denied access and had their travel permits revoked following an ad hoc request by the Humanitarian Aid Commission requiring agencies to submit questionnaires providing detailed financial information pertaining to their operations. In some locations, the request was also extended to United Nations agencies. The resulting denial of access and the inability to move humanitarian goods had a detrimental impact on the affected communities. In some cases, staff were denied access to nutritional feeding centres assisting the most vulnerable. In other cases trucks carrying food supplies were barred from reaching areas of distribution.

20. Another concern is the manner in which the extension of the moratorium on restrictions for humanitarian work is being handled. In late December the Humanitarian Aid Commission announced the extension of the moratorium, but only until 31 March 2006, thus complicating NGOs' long-term planning of humanitarian interventions. I strongly urge the Government of the Sudan to approve and extend the moratorium until the end of 2006 to allow the humanitarian community to progress in its response to the continuing crisis.

21. Finally, I am worried by reports that key donors will reduce funding for humanitarian operations in Darfur in 2006. Funds available for assistance are declining, while some 3 million people continue to need our support.

V. Darfur peace process

22. Until recently there had been little progress to report from the Abuja peace process, with the notable exception of the wealth-sharing commission. The armed movements had appeared more focused on their internal hierarchies than in moving the peace process forward. Incessant power-jockeying, continuing tension between Chad and the Sudan and the process of selecting the chairmanship of the African Union delayed the armed movements' full engagement in the process. On the Government side, its willingness to make tough concessions had not yet been tested.

23. The 12 January decision of the African Union Peace and Security Council to support, in principle, a transition from AMIS to a United Nations operation appears to have given fresh momentum to the Sudanese parties negotiating in Abuja. While work in the wealth-sharing commission has always proceeded with appropriate dispatch, the commissions on power-sharing and security arrangements too are now engaging on the substantive issues.

24. In the commission on security arrangements, the mediation team proposed to divide the discussions into four smaller working groups on monitoring and verification mechanisms; protection of internally displaced persons and supply routes; disarmament, redeployment and assembly; and logistics support to the armed movements' forces. The pace of negotiations, particularly in the security commission, has increased significantly compared with the November-December period. Discussion focused primarily on how to revitalize the mechanism of the Joint Commission.

25. In the power-sharing commission, debate on substantive issues continued. Emphasis was placed on using the Naivasha process as a model for the discussions. In direct bilateral negotiations, the parties have been discussing percentages to be applied for Darfurian political participation at the national executive and judiciary levels and in institutions such as the civil service.

26. It is important to highlight that any deal emerging from the Abuja process should include provisions for a meaningful Darfur-Darfur dialogue, in accordance with the Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur, signed by the parties on 5 July 2005. This dialogue will bring about the inclusiveness necessary to build a lasting peace.

VI. United Nations support to the African Union Mission in the Sudan

27. As at 3 March AMIS had a total of 6,898 personnel in Darfur, comprising 715 military observers, 1,385 civilian police, 27 international civilian staff, 11 Ceasefire Commission personnel and a protection force of 4,760 troops. UNMIS continued to liaise closely with AMIS through regular contacts with the Khartoum-based head of AMIS, AMIS personnel in Darfur and periodic meetings between African Union and UNMIS officials, the Assistance Cell and their counterparts in the African Union Commission in Addis Ababa.

28. The head of the Darfur Integrated Task Force has constituted a technical committee composed of representatives of the African Union, partners and the Assistance Cell to assist in ensuring that the recommendations of the December 2005 African Union-led assessment mission of AMIS are implemented.

29. As part of its effort to ensure that required resources are in place to continue its operations in Darfur, the African Union Commission has circulated to AMIS partners a detailed budget describing funding requirements for the period from 1 April to 31 December 2006. I urge all donors to respond to this request as a matter of urgency. I am continuing to work with African Union Commission Chairperson Alpha Oumar Konaré and key partners to convene a comprehensive conference on the crisis in Darfur. In addition to addressing the political, security and humanitarian aspects of the conflict, this conference would provide an opportunity to secure support for the outstanding budgetary requirements of AMIS.

30. In accordance with the statement by the President of the Security Council of 3 February 2006 (S/PRST/2006/5), I have initiated contingency planning on a range of options for a possible transition from AMIS to a United Nations operation.

31. Close consultation with the African Union will be a central element of planning for a possible transition. In this regard, and at the invitation of the African Union, my Special Representative met with senior officials of the African Union Commission on 14 February to discuss a possible transition to a United Nations operation in Darfur. These discussions will continue at all levels, particularly including in Khartoum and Al Fasher.

VII. Observations

32. Following the 12 January decision of the African Union Peace and Security Council and the statement of the President of the Security Council of 3 February 2006, I have taken steps to establish the transition-related consultations with the African Union called for in the Peace and Security Council communiqué and to initiate contingency planning for a United Nations operation in Darfur.

33. Dedicated planning teams have been established at United Nations Headquarters in New York and also in the Sudan, within UNMIS. The initial phase of planning is well under way, based on strategic guidance which I have provided. The current focus is on the collection of information and data in preparation for a technical assessment mission, which will be undertaken as soon as conditions permit and during which options for transition will be identified. The successful conduct of the assessment mission will require the support of the Government of the Sudan. Following the technical assessment mission, a report on options for a possible transition will be finalized for presentation to the Security Council.

34. The achievements of the African Union mission in Darfur have been remarkable and reflect the commitment of African Union member States to seek a solution to the Darfur crisis. In this sense, it would be erroneous to characterize any transition to the United Nations in Darfur as a substitution of an "African" force by an "international" force. The current African Union mission in Darfur is already an international force, operating under an African Union mandate with the endorsement of the Security Council and the participation of troops and personnel from more than 29 countries. Similarly, a United Nations-led operation in Darfur would depend greatly on African contributions and support along with those of other capable contributors. In any event, our efforts in Darfur are and would remain part of a cooperative international approach. At the same time, it is important to stress that a possible successor operation would have to be qualitatively different from the current African Union operation, particularly with regard to force mobility.

35. Although the Government of the Sudan is expressing reservations at the moment, we hope to gain its cooperation as we carry out the planning. In fact, Government cooperation will be a requirement, since the Security Council request to start planning for a possible transition stipulates, quite rightly, that we do so in cooperation and in close consultation with the parties to the Abuja peace talks.

36. As planning moves forward in consultation with the parties, it will have to take into consideration the ongoing violence and consistent violation of human rights in the region, the displacement of more than 3 million people and increasing instability near the border with Chad. In this regard, the main objectives of international efforts in Darfur should be to contribute to the protection of civilians at risk with a view to creating an environment conducive to national reconciliation in a country where human rights are respected and internally displaced persons and refugees can return

home in safety and dignity. Contingency planning for a possible transition to a United Nations operation in Darfur will be guided by these objectives and should be achieved through a multidimensional presence, including political, military, police, humanitarian and human rights elements.

37. While the size, composition and capabilities of the military component of such a mission will depend on a range of factors, the determining factor may be the status of ceasefire arrangements in Darfur. Without an effective ceasefire, which is fully respected by the parties, any international security presence in Darfur will have to be mandated and equipped to take robust action to protect civilians at risk.

38. This has been confirmed in recent weeks, during which Darfur has witnessed several clashes in which the armed movements and Government forces repeatedly violated the ceasefire and militia groups fuelled the violence. These clashes resulted in the death and displacement of many civilians, while causing the destruction of property and livelihoods. Perpetrators of these actions should understand that they will be held accountable for perpetuating the conflict in Darfur. UNMIS continues its efforts to defuse these conflicts by using its good offices at the local level to dissuade all parties from resorting to violence as a means of advancing their political goals. However, this is no substitute for a lasting political settlement, which is the objective of the African Union-led inter-Sudanese peace talks in Abuja.

39. The parties to these talks need to show greater commitment and flexibility to achieve a negotiated settlement as well as a much greater sense of urgency. I hope that the seriousness exhibited by the parties with regard to the negotiations on wealth-sharing will be emulated in the talks on power-sharing and security arrangements and that the recent momentum witnessed in the negotiations will be sustained. It is of utmost importance that everything possible be done to ensure that the parties conclude an agreement during this seventh round of talks.

40. At the same time, recent attacks on AMIS and humanitarian agencies, together with the major escalation of violence witnessed in the Jebel Marra area and the deteriorating conditions for civilians in many parts of Darfur, have demonstrated the urgent need to strengthen the international security presence on the ground. It therefore remains essential for partners, and the international community as a whole, to continue supporting AMIS and to ensure that it has the resources required to carry out all its tasks adequately, including the protection of civilians, pending a possible transition to the United Nations.